

P-421/EM-91-61 ORDER APPROVING TARIFF CHANGES

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
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In the Matter of U S WEST
Communications, Inc.'s Proposal
to Revise its Access Service
Tariff

ISSUE DATE: September 17, 1991

DOCKET NO. P-421/EM-91-61

ORDER APPROVING TARIFF CHANGES

PROCEDURAL HISTORY

On January 29, 1991 U S WEST Communications, Inc. (U S WEST or the Company) made a filing proposing miscellaneous revisions in its access service tariff. The proposed revisions are as follows:

1. Language changes to clarify that interexchange carriers failing to request interLATA toll denial for feature group A lines are responsible for fraudulent charges avoidable through use of that service;
2. A change in the interest rate on late payments, deposits, and billing error refunds from .000590% compounded daily to .000407% compounded daily;
3. Elimination of the rate difference between feature group A local switching (LS1) and other local switching (LS2) rates;
4. Elimination of overtime charges for repair, standby, and testing/maintenance with other telephone companies;
5. For specified billing mediums, replacement of individual cost-based rates with standard rates;
6. Introduction of paper or magnetic tape as alternative billing mediums;
7. Introduction of magnetic tape cartridges as an alternative medium for additional copies of bills.

On April 4, 1991 the Department of Public Service (the Department) filed its report and recommendation. The Department recommended approving all revisions except the proposed changes to local switching (LS1 and LS2) rates. The Department maintained the Company had not complied with statutory filing requirements for these rate changes.

The Company filed a response arguing it would be inappropriate to reject the proposed rate changes on procedural grounds alone. The Department subsequently asked the Commission to approve the rate changes and to caution the Company that more detailed filings were expected for similar rate changes in the future.

The matter came before the Commission on August 20, 1991.

FINDINGS AND CONCLUSIONS

Tariff Modifications

The Commission has examined the tariff modifications proposed by the Company and supported by the Department. They represent minor adjustments to the Company's access service tariff. The Commission finds the modifications are just and reasonable, are in the public interest, and should be approved.

The Procedural Issue

The Commission agrees with the Department that in the future the Company should provide more formal and detailed factual support for rate changes such as the LS1 and LS2 rate changes.

The rate changes at issue are governed by Minn. Stat. § 237.63, subd. 4 (c) (1990), which refers the Commission to Minn. Stat. § 237.075, subd. 1 (1990) for filing standards. The latter section requires the Company to file "statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested."

In this case, the Company made a letter-filing over the signature of its Director of Regulatory Affairs. While the Director may be qualified to render "expert opinion," he should do this in a more traditional format, such as sworn narrative or question and answer testimony. This is necessary both to assure compliance with the statute and to promote regulatory efficiency.

A traditional format helps ensure thorough, carefully prepared filings. Facts presented in structured and verified form are more likely to be checked beforehand, presented in adequate

detail, and supported by substantiating evidence. Well prepared filings conserve everyone's resources by minimizing the need to request additional information from the Company. This is no doubt a primary reason that the statute requires expert opinion, substantiating documents, and exhibits.¹

The Commission finds that future filings subject to review under Minn. Stat. § 237.075 should include expert opinion, presented in a format which makes it immediately recognizable as expert opinion, together with substantiating documents and exhibits.

ORDER

1. U S WEST's January 29, 1991 proposal to make miscellaneous changes in its access tariff is approved.
2. In future filings subject to review under Minn. Stat. § 237.075, the Company shall include expert opinion, presented in a format which makes it immediately recognizable as expert opinion, together with substantiating documents and exhibits.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)

¹ The Company correctly notes that the Commission has accepted filings in the past which did not include expert opinion in traditional format. The Commission has not done this to encourage such filings, but because of its reluctance to allow substantive issues to be effectively decided on procedural grounds.